UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THE UNITED STATES OF AMERICA, Plaintiff, v. STEVE GAW, in his official capacity as Commissioner of the Missouri Public Service Commission; ROBERT M. CLAYTON, III, in his official capacity as Commissioner of the Missouri Public Service Commission; SOUTHWESTERN BELL TELEPHONE, L.P.; SBC ADVANCED SOLUTIONS, INC.; SBC LONG DISTANCE, LLC; AT&T COMMUNICATIONS OF THE SOUTHWEST, INC.; TCG ST. LOUIS HOLDINGS, INC.; TCG KANSAS CITY, INC. Defendants.	)	Case No.: 4:06cv1132 CEJ

AFFIDAVIT OF NATELLE DIETRICH

1. COMES NOW Natelle Dietrich, Regulatory Economist and Supervisor, Telecommunications Department, Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she reviewed the data and facts specific to this case and prepared this affidavit, and that the facts herein are true and correct to the best of her knowledge and belief. A curriculum vitae, setting forth my knowledge, skill, training, experience and education is attached.

2. Missouri Public Service Commission ("Commission") rule 4 CSR 240-33.160 – Customer Proprietary Network Information was promulgated to establish guidelines for the use, disclosure or access to customer proprietary network information ("CPNI") of Missouri consumers.

Exhibit P

3. Customer proprietary network information ("CPNI") references the information and data underlying customer bills. More specifically, CPNI includes items such as the type of call (i.e., local or long distance); destination, location or duration of the call; and the amount of use of a telecommunications service by a customer of a telecommunications company. In other words, anything which appears on the customer's bill is potentially considered CPNI.

4. This information is collected by the telecommunications company and is maintained by that company solely by virtue of the customer-telecommunications company relationship. As such, the customer is afforded some degree of privacy since the information is not readily available to the general public or for mass market enterprising.

5. 4 CSR 240-33.160 outlines the instances in which a Missouri consumer's CPNI may be released by a telecommunications company to its agents, affiliates, joint venture partners or contractors.

6. Consistent with 4 CSR 240-33.160, a Missouri customer's CPNI is maintained through the ordinary course of business for the purposes of addressing and resolving billing disputes between the telecommunications company and its customer. For purposes of resolving billing disputes, billing records associated with CPNI provide a detailed history of customer calls, charges and payments.

7. Consistent with 4 CSR 240-33.160, telecommunications carriers, and in certain circumstances, their affiliates, agents, joint venture partners or contractors are allowed access to the CPNI of Missouri consumers for purposes of marketing additional services to the customer. For instance, based on a customer's calling patterns, a telecommunications company's cellular affiliate may be allowed access to a customer's CPNI to offer wireless services to address the customer's needs.

8. Billing records associated with CPNI information are typically maintained for two to three years to allow time to address all billing issues that may arise.

9. Pursuant to 4 CSR 240-33.160, records related to the release of CPNI must be maintained by the telecommunications company for at least one year.

10. Pursuant to 4 CSR 240-33.160, companies must provide notice to customers every two years of customers' rights to protect CPNI.

11. Pursuant to 4 CSR 240-33.160, companies must maintain records of such notification for at least one year.

FURTHER AFFIANT SAYETH NOT.

Natelle Dietrich

Natelle Dietrich

Subscribed and sworn to before me, a Notary Public, in and for the State of Missouri, this 26 th day of September, 2006.

Rosemary R. Robinson

Notary Public

My Commission Expires: 9-23-2008

ROSEMARY R. ROBINSON
Notary Public - Notary Seal
State of Missouri
County of Callaway
My Commission Exp. 09/23/2008

Natelle Dietrich
Experience and expertise
September 26, 2006

Bachelor of Arts Degree in English from the University of Missouri-St. Louis and a Master's Degree in Business Administration from William Woods University.

Employed by the Missouri Public Service Commission since August 1997.

Duties include the review and analysis of cost studies and the application of general costing theory as it relates to the regulation of telecommunications services with supervisory responsibility to ensure thorough and complete economic analysis of telecommunications issues by the economic/competitive analysis Staff.

Appointment and First Vice Chair to the National Association of Regulatory Utility Commissioners Staff Subcommittee on Telecommunications.

- Monitor federal telecommunications activity and inform the Commission of relevant federal activity.
- Prepared comments on behalf of the Commission to be filed at the Federal Communications Commission (FCC), including comments on the use, disclosure or access to customer proprietary network information.
- Prepared congressional testimony on behalf of the Commission on number conservation efforts in Missouri.

Testimony or Affidavit filings

- Case No. TA-99-405, an analysis of the appropriateness of a "payday loan" company providing prepaid telecommunications service.
- Case No. TX-2001-73, In the Matter of Proposed New Rules on Prepaid Calling Cards.
- Case No. TO-2001-455, the AT&T/Southwestern Bell Telephone Company arbitration, which included issues associated with unbundled network elements.
- Case No. TX-2001-512, In the Matter of Proposed Amendments to Commission Rule 4 CSR 240-33.010, 33.020, 33.030, 33.040, 33.060, 33.070, 33.080, 33.110, and 33.150 (telecommunications billing practices).
- Case No. TO-2002-222, the MCI/SWBT arbitration.
- Case No. TR-2002-251, In the Matter of the Tariffs Filed by Sprint Missouri, Inc. d/b/a Sprint to Reduce the Basic Rates by the Change in the CPI-TS as Required by 392.245(4), Updating its Maximum Allowable Prices for Non-Basic Services and Adjusting Certain Rates as Allowed by 392.245(11) and Reducing Certain Switched Access Rates and Rebalancing to Local Rates as Allowed by 392.245(9).
- Case No. TX-2002-1026, In the Matter of a Proposed Rulemaking to Implement the Missouri Universal Service Fund End-User Surcharge.
- Case No. TX-2003-0379, In the Matter of Proposed Amendments to Commission Rule 4 CSR 240-3.545, formerly 4 CSR 240-30.010 (tariff filing requirements).

- Case No. TX-2003-0380, In the Matter of Proposed Amendments to Commission Rules 4 CSR 240-2.060, 4 CSR 240-3.020, 4 CSR 240-3.510, 4 CSR 240-3.520, and 4 CSR 240-3.525 (competitive local exchange carrier filing requirements and merger-type transactions).
- Case No. TX-2003-0389, In the Matter of Proposed Amendment to Commission Rules 4 CSR 240-3.530 and 4 CSR 240-3.535, and New Rules 4 CSR 240-3.560 and 4 CSR 240-3.565 (telecommunications bankruptcies and cessation of operation).
- Case No. TX-2003-0445, In the Matter of a Proposed New Rule 4 CSR 240-33.160 Regarding Customer Proprietary Network Information.
- Case No. TX-2003-0487, In the Matter of Proposed Commission Rules 4 CSR 240-36.010, 36.020, 36.030, 36.040, 36.050, 36.060, 36.070, and 36.080 (arbitration and mediation rules).
- Case No. TX-2003-0565, In the Matter of a Proposed Rulemaking to Codify Procedures for Telecommunications Carriers to Seek Approval, Amendment and Adoption of Interconnection and Resale Agreements.
- Case Nos. TO-2004-0370, IO-2004-0467, TO-2004-0505 et al, In the Matter of the Petition of various small LECs for Suspension of the Federal Communications Commission Requirement to Implement Number Portability.
- Case No. TX-2005-0258, In the Matter of a New Proposed Rule 4 CSR 240-33.045 (placement and identification of charges on customer bills).
- Case No. TX-2005-0460, In the Matter of the Proposed Amendments to the Missouri Universal Service Fund Rules.
- Case No. TO-2006-0093, In the Matter of the Request of Southwestern Bell Telephone, L.P. d/b/a SBC Missouri, for Competitive Classification Pursuant to Section 392.245.6, RSMo (2205) – 30-day Petition.
- Case Nos. TC-2005-0357, IR-2006-0374, TM-2006-0306, the complaint case, earnings investigation and transfer of assets case to resolve issues related to Cass County Telephone Company, LP, LEC Long Distance, FairPoint Communications, Inc., FairPoint Communications Missouri Inc. d/b/a FairPoint Communications and ST Long Distance Inc. db/a FairPoint Communications Long Distance.
- Case No. TC-2006-0068, FullTel, Inc., v. CenturyTel of Missouri, LLC.
- Case No. TX-2006-0169, In the Matter of Proposed New Rule 4 CSR 240-3.570 Regarding Eligible Telecommunications Carrier Designations for Receipt of Federal Universal Service Fund Support.
- Case No. TX-2006-0429, In the Matter of a Proposed Amendment to 4 CSR 240-3.545 (one day tariff filings).

Arbitration Advisory Staff

- Case No. TO-2005-0336, Southwestern Bell Telephone, L.P., d/b/a SBC Missouri's Petition for Compulsory Arbitration of Unresolved Issues For a Successor Interconnection Agreement to the Missouri 271 Agreement ("M2A").
- Case No. IO-2005-0468, In the Matter of the Petition of Alma Telephone Company for Arbitration of Unresolved Issues Pertaining to a Section 251(b)(5) Agreement with T-Mobile USA, Inc.

- Case No. TO-2006-0147 et al, In the Matter of the Petition for Arbitration of Unresolved Issues in a Section 251(b)(5) Agreement with T-Mobile USA, Inc and Cingular Wireless.
- Case No. TO-2006-0299, Petition of Socket Telecom, LLC for Compulsory Arbitration of Interconnection Agreements with CenturyTel of Missouri, LLC and Spectra Communications, LLC, pursuant to Section 251(b)(1) of the Telecommunications Act of 1996.
- Case No. TO-2006-0463, In the Matter of the Petition for Arbitration of Unresolved Issues in a Section 251(b)(5) Agreement with ALLTEL Wireless and Western Wireless.